

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE: VALSARTAN, LOSARTAN,
AND IRBESARTAN PRODUCTS
LIABILITY LITIGATION**

This Document Relates to All Actions

MDL No. 2875

Honorable Robert B. Kugler,
District Court Judge

**DEFENDANTS ZHEJIANG HUAHAI PHARMACEUTICAL CO., LTD.,
HUAHAI U.S., INC., PRINSTON PHARMACEUTICAL INC., AND SOLCO
HEALTHCARE U.S., LLC'S MOTION FOR LEAVE TO FILE THEIR
FIRST AMENDED ANSWER AND AFFIRMATIVE DEFENSES**

Defendants Zhejiang Huahai Pharmaceutical Co., Ltd.; Huahai U.S., Inc.; Princeton Pharmaceutical Inc.; and Solco Healthcare U.S., LLC (collectively, the “ZHP Defendants”), by and through their undersigned counsel, request leave to file their First Amended Answer And Affirmative Defenses Of Defendants Zhejiang Huahai Pharmaceutical Co., LTD., Huahai U.S., Inc., Princeton Pharmaceutical Inc., And Solco Healthcare U.S., LLC And Jury Demand (“First Amended Answer”), a copy of which is attached hereto. Plaintiffs have advised that they object to this motion.

Pursuant to L.R. 15.1, “a party who seeks leave to amend a pleading shall do so by motion, which shall state whether such motion is opposed, and shall attach to the motion: (1) a copy of the proposed amended pleading; and (2) a form of the amended pleading that shall indicate in what respect(s) it differs from the pleading which it proposes to amend, by bracketing or striking through materials to be deleted and underlining materials to be added.” L.R. 15.1.

In support of their motion to file the First Amended Answer, the ZHP Defendants state as follows:

1. In preparing their responses to Plaintiffs’ motions for summary judgment and accompanying statement of undisputed material facts, counsel for the ZHP Defendants discovered that, due to an inadvertent mistake, the responses at Paragraphs 77 & 78 in the ZHP Defendants’ original Answer—which was first filed

on December 7, 2023 (ECF No. [2549](#))—were factually incorrect and inconsistent with deposition testimony provided by ZHP witnesses in connection with the litigation.

2. Specifically, the original responses to Paragraphs 77 & 78 mistakenly stated that both Princeton and Solco are wholly owned subsidiaries of ZHP. In fact, however, Princeton is a wholly-owned subsidiary of PrinJohnson Biopharm, Inc. (“PrinJohnson”), of which ZHP owns approximately 93.5% through direct and indirect holdings, and Solco is a wholly-owned subsidiary of Princeton. The First Amended Answer corrects these inadvertent mistakes.

3. Notably, the corrected information regarding the ownership of Princeton and Solco included in the proposed First Amended Answer is consistent with the testimony of the ZHP Defendants’ corporate witnesses and therefore has long been part of the record in this case. (*See, e.g.*, Dep. of Jun Du 25:24-26:3, 31:1-12, 38:2-42:1, May 27, 2021 (Ex. 1 to Certification of Jessica Davidson (“Davidson Cert.”)) (Vice Chairman of ZHP Board of Directors testifying that ZHP is a part owner of PrinJohnson, which is a holding company that owns Princeton, and that Princeton owns Solco).)

4. The mistaken responses regarding the ownership of Princeton and Solco included in the original Answer, by contrast, were made very recently and long after

the close of discovery. As a result, neither Plaintiffs nor their counsel could have relied upon the statements in the original Answer to their detriment.

5. Counsel for the ZHP Defendants informed Plaintiffs' counsel of the inadvertent error in the original Answer and provided them with the proposed First Amended Answer on January 22, 2024. Plaintiffs' counsel would not agree to the relief sought in this motion.

6. As required by L.R. 15.1, the ZHP Defendants have attached both a copy of the First Amended Answer, and a copy containing a redline showing the specific changes to the original Answer, as Exhibits 2 and 3 to the Davidson Cert., respectively.

WHEREFORE, Defendants respectfully request leave to file instanter the First Amended Answer attached as Exhibit 2 to this motion.

Dated: February 7, 2024

Respectfully submitted,

By: /s/ Jessica Davidson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 7, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants in this matter.

/s/ Jessica Davidson

Jessica Davidson (NY Bar No. 6034748)